



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

HAYNES, MARCUS # 855801  
Plaintiff's name and ID Number

BETO ONE UNIT TDCJ-ID.  
Place of Confinement

CASE NO: 6:13cv848 KNM  
(Clerk will assign the number)

v. BRADLEY YANCY  
1391 FM 3328 (BETO ONE UNIT)  
TENNESSEE COLONY, TEXAS 75880

Defendant's name and address  
SGT. DAVID JOHNSON  
1391 FM #3328  
.... ... ..  
Defendant's name and address

Defendant's name and address  
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

## FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

## CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

### I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? \_\_\_\_\_ YES   X   NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:  
Plaintiff(s): \_\_\_\_\_  
Defendant(s): \_\_\_\_\_
  3. Court (If federal, name the district; if state, name the county) \_\_\_\_\_
  4. Docket Number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?)  
\_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: GEORGE BETO UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? X YES      NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: HAYNES, MARCUS # 855801

1391 FM 3328 BETO ONE UNIT, TENNESSEE COLONY TEXAS 75880

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BRADLEY YANCY (S.T.G OFFICER): 1391 FM 3328 (BETO ONE UNIT)  
TENNESSEE COLONY, TEXAS 75880

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

YANCY CONFISCATED RELIGIOUS/EDUCATIONAL LITERATURE OUT OF MY CELL.

Defendant #2: SGT. JOHNSON, 1391 FM 3328 BETO ONE UNIT, TENNESSEE COLONY,  
TEXAS 75880.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SGT. JOHNSON, "REFUSED TO RETURN MY PROPERTY".

Defendant #3: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON MARCH 18, 2013, OFF. YANCY CAME TO MY WING AND DELIBERATELY SEARCHED MY CELL FOR POSSIBLE "GANG-RELATED" EVIDENCE TO COUNTER MY CLAIM OF NOT BEING "GANG AFFILIATED". AFTER HIS SEARCH, THE ONLY THING HE FOUND WAS MY "COMPOSITION NOTEBOOK," WHICH CONTAINED MY RELIGIOUS "NATION OF GOD'S & EARTHS" LITERATURE, AMONG OTHER EDUCATIONAL INFO. YANCY CLAIMS HE TURNED THE ITEMS OVER TO SGT. JOHNSON, WHOM "REFUSED" TO GIVE ME CONFISCATION PAPERS (PER POLICY), EVEN WHEN HE HAD DETERMINED THAT HE WAS NOT GOING TO RETURN MY BOOK. THOSE ITEMS ALSO INCLUDED "A LEGAL LETTER" THAT WAS IN THE BACK OF MY BOOK, THAT PERTAINED TO THE COMPOSITION NOTEBOOK. (THIS INCIDENT HAS HAPPENED TO ME ONCE BEFORE ON ANOTHER UNIT).

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

I WOULD LIKE FOR THE COURT TO BRING ME JUSTICE, FOR THE VIOLATIONS AGAINST MY RELIGIOUS/EDUCATIONAL MATERIALS & ITEMS RETURNED TO ME.

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

MARCUS: SHON: TALIB AL-HAGG (CHANGED LEGALLY) "DIVINE INTELLIGENCE"

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

#855801

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): \_\_\_\_\_

2. Case Number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_ YES \_\_\_\_ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_ YES X NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning were imposed: \_\_\_\_\_

Executed on: \_\_\_\_\_  
(Date)

MARCUS HAYNES  
(Printed Name)

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **\$350** filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Day) (Month) (Year)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.**

MAY 10 2013 SW



Texas Department of Criminal Justice  
**STEP 2**  
**OFFENDER**  
**GRIEVANCE FORM**

Offender Name: Haynes, Marcus TDCJ # 855801  
 Unit: Beto 1 Housing Assignment: 12  
 Unit where incident occurred: Beto 1

OFFICE USE ONLY	
Grievance #:	<u>2013118298</u>
UGI Recd Date:	<u>APR 05 2013</u>
HQ Recd Date:	<u>APR 09 2013</u>
Date Due:	<u>5/10</u>
Grievance Code:	<u>512</u>
Investigator ID#:	<u>T2044</u>
Extension Date:	

*You must attach the completed Step 1 Grievance that has been accepted. You may not appeal to Step 2 with a Step 1 that has not been accepted.*

*It must be signed by the Warden for your Step 2 appeal to be processed. It must be returned unprocessed.*

**Give reason for appeal (Be Specific).** *I am dissatisfied with the response at Step 1 because...*

I, Offender Marcus Haynes would like to appeal the Step 1 grievance-  
 #2013118298 because I was not content with its response.

The response I received in regards to my religious/educational  
 material that had been taken by STG officers, has become a stressful ordeal  
 for me. How can general information that can be found in most (prison) lib-  
 raries, or (any) public library in America for that matter be 'deemed as dang-  
 erous?' Dangerous to whom? Furthermore, how is the knowledge of (myself) as a  
 black man a threat to prison security? Please inform me. I am not trying to  
 escape nor kill nor solicit any TDCJ officers--how, I ask again, is it consider-  
 ed dangerous? If educating myself in prison is wrong, then maybe TDCJ should  
 consider releasing me. This exact situation happened on the Polunsky unit. I  
 had to get a lawyer involved just to get my material back. Why is the TDCJ staff  
 trying to interfere with me rehabilitating myself--separate myself from gang  
 members--and setting a positive personal schema for others to follow? So if my  
 (educational) information is dangerous, then what is the "real" reason for  
 prison?

(C. Copy)



Offender Signature: Man HaysDate: April 4, 2013

Grievance Response:

An investigation of your Step I grievance was conducted and the answer given was appropriate.  
No errors have been noted in regards to confiscated material. No further action is warranted.

Signature Authority: Shaward B. Howard ARDDate: 04.26.13Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY**

Initial Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Marcus Hayes #85580/  
Beto unit  
1391 FM 3328  
Tennessee Colony, TX 75880

United States District Court  
(Eastern District of Texas)  
211 W. Ferguson Room 106  
Tyler, TX 75702

